

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)
)
v.) Case No.: 7:21-cr-00011
)
MELVIN MCKINLEY CHILDRESS)
)
Defendant.)

MOTION TO WITHDRAW

COMES NOW the undersigned counsel, and moves to withdraw representation of the Defendant, Melvin McKinley Childress, and states:

1. Mr. Childress retained undersigned counsel to represent him in this matter.
2. On January 26, 2022, Mr. Childress discharged undersigned counsel and asked him to withdraw.
3. On January 26, 2022, undersigned counsel made an oral motion during the pretrial conference at Mr. Childress's request to withdraw representation.
4. Having conferred, Mr. Childress has discharged undersigned counsel from further representing him, as is his Constitutional right under the Sixth Amendment:

Where the right to be assisted by counsel of one's choice is wrongly denied ...a Sixth Amendment violation [is established]. Deprivation of the right is “complete” when the defendant is erroneously prevented from being represented by the lawyer he wants, regardless of the quality of the representation he received.

United States v. Gonzalez-Lopez, 126 S. Ct. 2557 (2006) (addressing a case where a defendant had retained substitute counsel who was not permitted to enter an appearance and recognizing the Sixth Amendment confers some right, not absolute, to choose one's representation in a pending criminal matter).

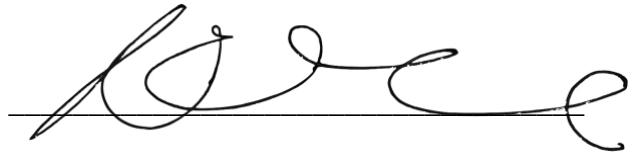
5. Further, Rule 1.16(a)(3) compels undersigned counsel to withdraw. The rule states that retained counsel must withdraw when discharged.

6. Finally, despite efforts, attempts to communicate with Mr. Childress have so deteriorated that undersigned counsel believes it is necessary to protect the defendant's rights under the Sixth Amendment to appoint substitute counsel to further assist him.

WHEREFORE, pursuant to Rule 1.16(a)(3) and in the interest of protecting Mr. Childress's rights under the Sixth Amendment, undersigned counsel moves the Court to grant this motion to withdraw and appoint counsel to represent Mr. Childress.

January 27, 2022

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Dean', is written over a horizontal line.

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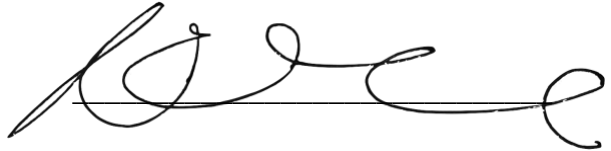
CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2022, the foregoing was filed electronically and notice sent to the following parties by operation of the Court's electronic filing system:

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Counsel for the United States

A handwritten signature in black ink, appearing to read 'Matthew Miller', written over a horizontal line.